

REMARKS

At the outset, applicants would like to thank Examiner Ewoldt and Examiner Juedes for their time and consideration of the present application at the interview with Andrew Patch and Philip DuBois on January 12, 2006. At the interview, applicants discussed amending the claims to overcome several of the §112, first and second paragraph rejections imposed in the outstanding Official Action.

Claims 44, 49, 50 and 91-104 were rejected under 35 USC §112, first paragraph, for allegedly introducing new matter into the present disclosure.

The Official Action stated that the present disclosure did not support the recitation that "said MD-APCs having, when compared with monocyte derived macrophages prepared in the presence of GM-CSF only, higher phagocytic properties of formalin fixed yeast and higher ability for stimulation of allogenic T lymphocytes".

However, independent claims 44, 97 and 104 have been amended to delete the recitation that the claimed MD-APCs have a "higher" phagocytic ability. Rather, claims 44, 97 and 104 have been amended to recite that the MD-APCs have phagocytic properties "such that at least about 60% of a population of said MD-APCs exhibit an uptake of formalin-fixed yeast after culturing said MD-APCS for 3 hours". Explicit support for this recitation may be found on page 18, lines 19-24.

Thus, applicants respectfully submit that the changes to the claims overcome this new matter rejection and place the application in better condition for appeal.

Claims 44, 49, 50, and 91-96 were rejected under 35 USC §112, second paragraph, for allegedly being indefinite.

Claim 44 was rejected because it was unclear why the word "presence" was deleted. Claim 93 was rejected for being grammatically incorrect for reciting the term "composition".

Claim 44 has been amended to reinsert the term "presence". Claim 93 has been amended to delete the term "composition". As a result, applicants believe that claims 44 and 93 are definite to one of ordinary skill in the art and place the application in better condition for appeal.

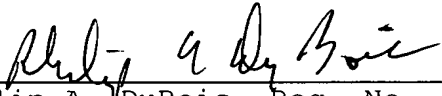
Applicants respectfully request that the present amendment be entered. 37 CFR § 1.116 provides that an amendment presenting rejected claims in better form for consideration on appeal may be admitted after a final rejection. As the changes to the claims are believed to overcome a new matter rejection and the indefiniteness rejection imposed in the outstanding Official action, applicants believe that the changes place the application in better condition for appeal and respectfully request that the amendment be entered at this time.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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